

22nd December 1956]

MR. CHAIRMAN : The question is—

“ That the Madras Co-operative Societies (Amendment) Bill, 1956 (L.A. Bill No. 34 of 1956), as passed by the Legislative Assembly, be passed.”

The motion was put and carried and the Bill was passed.

(2) THE MADRAS REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY BILL, 1956 (L.A. BILL NO. 35 OF 1956).

* THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir, I beg to move—

“ That the Madras Requisitioning and Acquisition of Immovable Property Bill*, 1956 (L.A. Bill No. 35 of 1956), as passed by the Legislative Assembly, be taken into consideration.”

This Bill has to be enacted immediately in order to enable the Government to implement their comprehensive programme of development in the agricultural sector under the Second Five-Year Plan. In most of the Agricultural Research and Development Schemes contemplated under this programme, lands are required for establishing Research Stations, Seed Farms, etc. The outright purchase of lands which are required for a specified period will involve the Government in huge expenditure. On the other hand, it will be advantageous and economical to take the required lands on lease. But a lease has to be negotiated and it is only by agreement that it will be possible for the Government to get lands on lease. It is, therefore, imperative to undertake legislation empowering the Government to take lands compulsorily on lease, the rent being fixed on a reasonable basis. The Bill, which is now before the House, empowers the State Government to requisition for the purpose of the State any immovable property and also to acquire later on such requisitioned property, if necessary.

The principles and methods according to which compensation will be determined and paid for such requisitioning and acquisition have been laid down in clauses 8 and 9. Provision has been made in clauses 10 and 11 for appeals against orders of requisitioning and awards determining compensation.

It is needless for me to say that the provisions of the Bill after it is enacted will be resorted to sparingly and only in those cases where it is absolutely necessary to do so.

MR. CHAIRMAN : Motion moved—

“ That the Madras Requisitioning and Acquisition of Immovable Property Bill, 1956 (L.A. Bill No. 35 of 1956), as passed by the Legislative Assembly, be taken into consideration.”

DR. A. LAKSHMANASWAMI MUDALIYAR : Mr. Chairman, Sir, I have listened very carefully to the introductory remarks of the Hon. Minister in regard to this Bill. But, I must confess

[Dr. A. Lakshmanaswami Mudaliyar] [22nd December 1956]

that the Bill as it is presented has very little to do with the intention that he has enunciated in introducing it. Let me, first of all, state that this Bill is 'to provide for the requisitioning and acquisition of immovable property for the purposes of the State of Madras'. This is a very much wider definition than what the Hon. Minister evidently had in view in introducing this Bill. It does not refer to agricultural farms. It does not, in any way, refer to agricultural lands, not even to the immovable property on agricultural lands. But it gives a *carte blanche* to the Government to requisition and acquire any immovable property for the purposes of the State of Madras and not for the purposes such as have been mentioned by the Hon. the Leader of the House, namely, for agricultural farms and for effective research work. These things are not the objects mentioned in the Bill. I, therefore, feel that the Bill as it is provided here—whereas it is expedient to provide for the requisitioning and acquisition of immovable property for the purposes of the State of Madras—gives a much wider scope to the Government than what was intended in the very simple and attractive manner in which the Hon. the Leader of the House was pleased to introduce this Bill. I think this is a very dangerous Bill for more reasons than one and I feel strongly that, if this Bill is passed, we may as well say that the seeds, not of agricultural farms, but of a totalitarian State have been well and actively sown. There can be no doubt whatsoever that the provision for acquiring any immovable property is one that rightly belongs to totalitarian States and not to democratic countries. I am aware of the Constitutional provision where it is stated that some property may be acquired for certain specific purposes, and also the method of paying compensation is indicated in the Constitution. I do not suggest that the Government have not got the right to acquire property. But this very wide sphere which we are now going to allow the State of Madras to acquire will certainly sound the death-knell of all democratic thinking in regard to property and individual rights.

Let me now go to some of the specific provisions. A 'competent authority' is defined as meaning any person or authority authorized by the Government . . . Who is that person? He may be any individual. He may be any non-official; I hope he is sometimes a non-official. He may be the President of a Panchayat. The whole world over, battles, wars and titanic struggles have been waged only for the purpose of possessing property. That is the fundamental consideration. The crisis in the Middle East was on account of property rights. Anywhere, wherever we find that there is rupture between Nation and Nation, it is due to property rights, and not to anything else. Here is an authority who has been defined as any person who can requisition and acquire immovable property. It seems to me that the least that the Government could have done was to define the term as any person not below the rank of a Member of the Board of Revenue. Because, I want to emphasize this fact that this property is going to be acquired in various places and if we

22nd December 1956] [Dr. A. Lakshmanaswami Mudaliyar]

are going to have local persons to acquire that property with all the prejudices that are now uppermost in the minds of some people, that property will be acquired under conditions where it will be most unreasonable to expect any fairplay. I realize that there is a provision for appeal to the Government. But let me very humbly suggest what is the Government. It is the Party in power. It is the Party that has to protect its own future. It is the Party that has to satisfy a certain number of people who will be supporters of the Government. I am not questioning that view. That is the essence of democracy. We cannot get away from that fact. That is why in all countries there is a provision for a Court of Justice to interpret what is right and what is wrong. Here, my hon. Friend Sri K. Balasubramanya Ayyar has correctly pointed out one fundamental thing and I sometimes feel that the Law Department of the Government of Madras may be well-advised to say that none of the provisions of any Act will empower any Court of Law to interfere with the orders passed under the provisions of that Act. That would have been one common sentence in all the Acts that have been passed within the last ten years of my membership of the Legislative Council.

Let me then go further. Under clause 3 which relates to power to requisition immovable property, within 15 days a person has to show cause why his property should not be requisitioned. An immovable property may be possessed by a person who is not resident in the locality. He might have gone to some other place. If within 15 days he does not apply and make his reasonable proposition, then he has no right over the property. Sir, what is this dreadful hurry to acquire immovable property? Are we in a state of emergency? Are we in a state of warlike preparation? The Second Five-Year Plan has no doubt been before us. But, I am afraid that in many cases all sins of omission and commission are laid at the door of the Second Five-Year Plan. If taxation has to be increased, the Second Five-Year Plan comes in handy. If excise duty is sought to be increased without any reference to the Parliament, the Second Five-Year Plan comes in handy. And, now, Sir, if anything like this is to be done without any proper or due notice, the Second Five-Year Plan may suffer otherwise. Sir, I am one of those who is most anxious that the Second Five-Year Plan should succeed, not because I agree with many of the developments contemplated in that Plan nor with the working of that Plan, but because I think that it is one of those things which will save us in the light of what is happening in the world at large.

Again, it is stated in clause 3 (b) that they 'may, by order, direct that neither the owner of the property nor any other person shall, without permission of the competent authority, dispose of or structurally alter the property or let it out to a tenant until the expiry of such period, not exceeding two months, as may be specified in the order'. Who pays for these two months? If the Government do not come to a conclusion within two months—I do

4-30
p.m.

[Dr. A. Lakshmanaswami Mudaliyar] [22nd December 1956]

not blame the Ministers who have multifarious duties to perform and who have to undertake necessarily extensive tours in the State—who will pay for these two months? Nothing is mentioned in the Bill about this. That is a lacuna that, I feel, must be attended to by the Government.

In the second proviso to sub-clause (2) of clause 3, it is stated—

“ Provided further that where the requisitioned property consists of premises which are being used as a residence by a tenant for not less than two months immediately preceding the date of the service of notice under sub-section (1), the competent authority shall provide such tenant with alternative accommodation which, in its opinion, is suitable.”

Suppose a person is living in a bungalow paying a rent of Rs. 250 and more. He may be told, “ Well, look here. You do not deserve such a huge bungalow. That does not conform to the socialistic pattern of society. So, you better leave the bungalow and come and live in one of the huts that we have provided in the new colony that has been established.” Can anybody say that it is reasonable on the part of the officer empowered under these provisions to say like that? After all, it is not the Government that are going to say that. It is that officer that may say like that. I venture to submit that under the present enactment, the Government have got power to requisition any immovable property. There is absolutely no need to further extend it in the manner in which it is sought to be done unless they want to tighten up the law and extend it to ten years. I will come to the ‘ ten-year period ’ subsequently.

I would now like to refer to another clause, viz., sub-clause (2) of clause 4 which states—

“ If any person refuses or fails to comply with an order made under sub-section (1), the competent authority may take possession of the property and may, for that purpose, use such force as may be necessary.”

Is it going to be a sort of non-violent force or violent force or what is it? I think in these cases, it is much better not to give the authority to meddle to persons who cannot always be expected to use that authority properly. I am not casting any reflection on anyone. I have visited many places here and outside. There is no country except the Middle East countries and Asiatic countries where force is resorted to quite often. It may be justified or it may not be. Whatever it is, unfortunately in our country and in some of these other countries, force is excessively used. Therefore, a certain amount of caution is necessary. The expression used here is ‘ use such force as may be necessary ’. While the intentions of the Government may be good in this regard, I am afraid their under-studies may not realise what those intentions are.

22nd December 1956] [Dr. A. Lakshmanaswami Mudaliyar]

Let me now refer to sub-clause (6) of clause 6 which states—

“Where any property requisitioned under this Act or any material part thereof is wholly destroyed or rendered substantially and permanently unfit for the purpose for which it was requisitioned by reason of fire, earthquake, tempest, flood or violence of any army or of a mob or other irresistible force the requisition shall, at the option of the Government, be void.”

You take my property and if something happens to that property after a month and some damage is caused, what about compensation for me? It is not likely that an army will take the field. The Government compulsorily take the property from me. If some damage was caused during the period in which it was in their possession, I must be paid some compensation. There is no mention about it here. It is not proper and I venture to submit that it is going against the provisions contained in the Constitution. With due deference to those in power, I would very much like them to examine the position. Once a person's property is taken over by means of legislation, he must be paid reasonable compensation if any damage is caused to that property. Even in the case of an earthquake, I am entitled to compensation unless I am myself swallowed in the earthquake. The clause refers to violence of a mob. In these days, mob violence is not at all uncommon. If a mob destroys my property to show its anger against a person, who may happen to be a Government servant and who may be occupying the property at the moment, am I to suffer? Or, am I to be compensated according to the Articles provided in the Constitution itself? Of course, there is a proviso to this sub-clause which states, “Provided that the benefit of this sub-section shall not be available to the Government where the injury to such property is caused by any wrongful act or default of the Government”. I agree that there is this provision. But, it is really too much. It does not cover all the causes that may be contributory to the act of demolition of the property. In all such cases, the owners are perfectly justified in demanding compensation.

Sub-clause (4) of clause 7 states—

“Any decision or determination of the Government under sub-section (3) shall be final and shall not be called in question in any Court.”

As I said before, this is the usual provision. I do not know what my hon. Friend and ex-Judge feels about such a provision. Perhaps he may say that he is not a Judge now.

Sir, there is another provision here in clause 8 (1) (g) which states—

“Nothing in the Arbitration Act, 1940 (Central Act X of 1940), shall apply to arbitrations under this section.”

I should like to ask why that Act should not apply here. After all, arbitration is contemplated here and it is considered necessary.

[Dr. A. Lakshmanaswami Mudaliyar] [22nd December 1956]

Under these circumstances, why should not the Central Act be made applicable here? Why should it not apply here except for the reason that it gives room for courts to interfere which, under the present circumstances, is not considered to be in good taste?

There is one other matter to which I would like to call attention. It may be that I have not perfectly understood the provisions. I refer to sub-clause (3) (a) and (b) of clause 8 which states—

“(3) The compensation payable for the acquisition of any property under section 7 shall be—

(a) the price which the requisitioned property would have fetched in the open market, if it had remained in the same condition as it was at the time of requisitioning and been sold on the date of acquisition, or

(b) twice the price which the requisitioned property would have fetched in the open market if it had been sold on the date of requisition, whichever is less.”

It seems to be an extraordinary thing. Ten years after the requisition of a property if you acquire that property, you should be in a position to say what that property would have fetched at the time of requisitioning. That is the position. If it is an agricultural land, there may be some justification, because the adjacent lands may be taken into consideration. But, in the case of an immovable property, can anybody say what the worth of the property would be? After all is said and done, there is the Act of the Central Legislature—the Capital Gains Act—which comes under Income-tax enactment. Those are the things which we have to understand while dealing with a provision like this in the present Bill. It is thought that after ten years they may be able to assess correctly the value of the property. That is a thing which, in my opinion, will be a little hard on the person who owns the property and may not be altogether justified.

Sir, I do not want to go into the other provisions of the Bill. If it was the object to improve the methods of agriculture and establish research stations for the purpose of getting pure seeds and also holding demonstrations, I am sure that that object could have been achieved and should have been achieved in a more co-operative spirit with those who own the lands. I do not think it is necessary to requisition the property. After all, agricultural operations may be for a year or two years or for even three years, unless they take to planting of trees like the mango tree which may take a long time to yield. (An hon. Member: Also tamarind tree.) After all, a tamarind tree does not need so much protection and it grows wild.

4-40
P.m.

If it is a question of experimentation, there are many ways of doing it. I would like the Agriculture Department to first experiment with the fallow lands that are lying with the Government. In Salem district alone there are as many as 1,000 acres of fallow

22nd December 1956] [Dr. A. Lakshmanaswami Mudaliyar]

land. In the three districts of Salem, North Arcot and South Arcot taken together, there are three hundred thousand acres of fallow land. Let the agriculturist be told how he could improve the fertility of the land. If the Agriculture Department is intent upon improving agriculture, let them first experiment with the fallow lands, that are now being kept idle. Let them make a beginning with fallow lands. Let the experts experiment with fallow lands and say how those lands could be improved upon.

Moreover, there is no indication as to the extent of land which these farms may require. Rules may probably be there to allow these lands to be notified. It is said that the poor agriculturist will not be taxed. The general impression is, "hallelujah, let us not bother, since we are not affected". That is what one thinks. I want to tell this House that I do not own even a cent of land. I am not interested in agriculture. That is not my occupation or side-occupation. But I do not feel that so far as agriculturists are concerned (it may be that they are guided better or they deserve to be controlled better) within the last two or three years, we have passed successive series of legislation which are such that they would certainly give rise to alarm in agriculture. I know of agriculturists who are selling their lands and agriculturists who are readily donating lands to the tune of 100 acres. This is not simply because they have become charitably minded, all of a sudden. It is because they think it is much better to dispose of their lands in that manner than to allow Acts like these to come into operation. I am all for giving my support to every endeavour of the Government in improving agricultural operations. But any scheme of agricultural improvement should be such as to help the people and not to harass the people.

I am not able to understand why this Bill should be in force for ten years. I would rather have the enactment permanent. Could we envisage now what the position will be after ten years? Who can foresee that? Who can foresee whether I or anybody would be here or not after ten years? But I do wish that this Party, which is ruling in this State now, should continue in power for another five years. I am one of those who can honestly and strongly say that I wish this Party to come into power again and be in power for the next five years. I wish the Hon. the Leader of the House to continue either in this House or in the other House. But, with all that, let me say that this "ten years" is a period which we cannot prognosticate with any definiteness. We have got the experience of the Rent Control Act. Every year it is being renewed. But, suddenly, because somebody thought so, the Rent Control Act was renewed for another two years. Therefore, what I say is, 'Let us know what we are trying to do.' I have come to know that an hon. Member remarked that this House was merely a high-class debating society. I am sorry I was not here at that time. I shall not concur in that statement. I am of the definite opinion that this House can express its opinion freely and frankly

[Dr. A. Lakshmanaswami Mudaliyar] [22nd December 1956]

without the incubus of throwing out the Government or putting the Government into power. I have said it and I repeat that statement, viz., that when we criticise, we can criticise strongly no matter whether the Government think it justified or not, only keeping in view that what we say is in the best interests of the people. If only we do that, no matter whether Government accept or reject our amendments, we would have done our duty by the public and it is in that light that I have offered these suggestions and remarks. Let me conclude by saying that I certainly feel very unhappy that a piece of legislation of this nature should have been brought forward before this House.

SRI K. BALASUBRAMANYA AYYAR : Sir, I very respectfully agree with the points made in the speech of my Leader. I do not want to repeat what all he has said. I shall mention only one or two points. In the first place, I should like to state that before bringing forward a Bill of this nature, Government should come to a definite conclusion as to which are the places where they would locate seed farms or model farms. They should also specify what they propose to do in these seed farms. That should be specified in the Statement of Objects and Reasons. In the statement of Objects and Reasons it is stated that the Government are bringing forward this Bill for acquiring lands to establish "seed farms", etc. But "etc." may mean so many things. I take it that it means establishment of Research Stations for improvement of agriculture. The expression "public purpose of the State" is rather vague. We must mention what those purposes are for which this Bill has been brought forward. If they want to acquire lands, there is the Land Acquisition Act for that purpose. Under that Act, lands could be acquired permanently. But they do not want to follow that Act. That means that they do not want permanent acquisition, which in turn means that they do not want to pay compensation for permanent acquisition of lands. They want to adopt an easier method by which they can pay less and it is only for certain purposes. Because they want for some specific purpose, they now want to adopt this method requisitioning property for only a prescribed number of years so that they may pay less. When such is the case, they could have definitely said that this was their objective and that that was why they were bringing in this measure. But they have used the vague term, "for public purposes of the State". That is why I say that it would be better if they put in the specific purpose for which this Bill is introduced, viz., establishment of Research Stations and Seed Farms.

There have been so many Research Stations and Seed Farms. But so far as the ryot is concerned, he has not been benefited much by these Research Stations. When the Government establish a seed farm, they pay no attention to the economics of it at all. There are the officers. There is the Superintendent. Some experiment is conducted. The Superintendent inspects these farms and

22nd December 1956] [Sri K. Balasubramanya Ayyar]

instructs the officers that such and such a thing should be done in this or that way. But how is the ordinary ryot benefited by these experiments? These officers said that ammonium sulphate was the best kind of fertiliser and that that would increase the fertility of the land. I spent Rs. 400 on purchasing ammonium sulphate sold in the research station.

THE HON. SRI M. BHAKTAVATSALAM : I may tell the hon. Member that ammonium sulphate is not sold in Research Stations.

SRI K. BALASUBRAMANYA AYYAR : I know that, Sir. They do not sell all these things in a Research Station. I only asked an Agricultural Demonstrator to come and inspect my lands and then advise me. Be that as it may, these farms are of no use to the ryots. I do not want to say that more harshly for the sake of the Hon. the Leader of the House. These farms have been of no use to the ordinary cultivator. I would suggest that every Minister in charge of Agriculture should have his residence in the middle of cultivated lands and see things for himself. I know that these Research Stations and Seed Farms have not been of any use to the ordinary people. Of course, they may improve hereafter and they may have the intention to improve. I do not dispute that. But, as it is, they have not been useful so far. All the data about the results of research they have collected for the purpose of improvement cannot be utilised and adopted by the ordinary ryots. Unfortunately, they are all beyond their comprehension. That is the fate with regard to the Japanese method of cultivation also. I asked Mr. Perumalswami Reddiar who tried that method and he said that it was not possible for the ordinary ryots to adopt that method. Therefore, he left it out. (The Hon. Sri M. Bhaktavatsalam : He is a cultivator like you.) Like me? Very sorry, I take interest in agriculture. Sir, I repudiate the insinuation made by the Hon. the Leader of the House. I take interest in cultivation. (The Hon. Sri M. Bhaktavatsalam : From Madras?) Yes, from Madras. Why not? When the Hon. Minister looks after the whole State remaining here, why not I? What the Hon. Minister says is a thing which I cannot accept. I am not saying anything against him, but in self-defence I am saying that, Sir. For purposes of income-tax even if the property is situate elsewhere, that is taken into account, because the brain, the centre, is here. For purposes of income-tax I am taken as having brains, but for purposes of agricultural farming I am told I have no brains. (Laughter.) It is not correct to say so and that is the fallacy of the whole of the Fair Rent Act, where it is said that unless one can hold the plough and do work, one is not a cultivator. That is not correct. All people who supervise, who are skilled in agriculture and who can take interest in, spend money on, and know all the processes of, agriculture are cultivators. For that matter, I know the different strains of paddy; I know the various seasons when they would sprout and

4-50
p.m.

[Sri K. Balasubramanya Ayyar] [22nd December 1956]

grow; I know in how many months each strain would yield, some in three months, some in six months and some others in nine months. I know what is 'Thaladi' and so on. To be a cultivator, it is not necessary that one must actually get into the field and bask in the sun. Therefore it is that I say that I take interest in agriculture and that I know about agriculture. Mr. Perumalswami Reddiar also takes interest in agriculture. My hon. Friend Mr. Desikar would agree with me, but he is not here. (The Hon. Sri M. Bhaktavatsalam : But he will tell a different story.) May be, Sir. But I know he had some advantages which we were not fortunate enough to have. What I am stating is that these Research Stations and Farms are very good on paper, but that practically they are useless, and it is for that purpose that the Government are taking such huge powers.

Well, Sir, let the Government prove that what they are doing in these farms are of real benefit to the ryots. Let them do it at one place. Let them work in one Research Station and prove that. Afterwards, it could be adopted in the whole State. Let them then spend any amount of money on Research Stations and Farms. Why should they for that purpose try to impound the lands of cultivators? That is, I am afraid, unnecessary. I shall leave it at that.

I feel a great doubt, Sir, whether this power should be taken by the Government at all. First, they should prove that the scheme is good and that it will be helpful to the people. Afterwards only they should take such powers. Why should they try to rush this Bill through at this particular juncture when they have almost "exhausted their mandate"? I cannot understand this sort of hurry and haste. Sir, there are various other provisions in the Bill to which I will invite the attention of the House—of course, my arguments may not be of much avail—when they are taken up for consideration.

Sir, many of these provisions are very defective. I do not say that the Hon. Minister is responsible for all this. But all of us should put our heads together to set right the defects. It is a laudable object that is in view and it may be for the purpose of securing more paddy that they want to establish more Research Stations and Seed Farms for the purpose of adopting improved methods of agriculture, so that the people at large might benefit by them. But such huge and wide power should not be assumed in this particular fashion. There is no need for hurry. Unfortunately, we are suffering from 'hurry'. All along that has been the chief defect. I am not able to agree with the Government in that respect. In about five or six years we want to cover the tract of centuries. Let us improve slowly and by small degrees and let us avoid haste. By being hasty, in making progress, one may fall and become worse. I do not believe in this hurry. Let us slowly and progressively establish by experience and experiments that seed farms, etc., are of real benefit to the agriculturists.

22nd December 1956] [Sri K. Balasubramanya Ayyar]

One more thing, Sir. I want to draw the attention of the House to requisitioning of agricultural lands. There is no provision in this Bill which states that agricultural land of 10 acres may not be taken or clubbed together. A number of small holdings might be clubbed together and taken. Then, what will be the fate of these small owners? I can understand if it is provided that no land less than 100 acres in extent shall be taken. Of course, in the other House the Hon. Minister gave an assurance that small holdings would not be affected. But the oral assurance of even a Minister will not do. Our friend, the Collector of Tiruchirappalli, may not care for the assurance of the Hon. Minister here. He would simply say, 'There is the provision in the Act; I shall enforce it.' Therefore, this oral assurance—it is good of the Hon. Minister to have given that assurance—is not enough. Therefore, I make bold to come forward with an amendment that nothing in this Act shall apply to owners of agricultural land of less than 100 acres. Small extents of cultivable lands should not be affected by this Bill. There is already the verbal assurance of the Hon. Minister; I am just asking that it be put in the Bill itself. That would be good; it should be made clear in the Bill itself. That is the best method in a democratic State, where we do not take away the rights of people and where the State also takes power. These two things go together in a democratic State. Of course, in non-democratic States, in totalitarian States, the rights of people have no value; people's right is simply trampled upon for the purposes of the State; there the State is the grinding machine with no individual dignity or respect. But in a democratic State, things should be different. Further, we are talking of a socialistic pattern of society. Fortunately, it has been defined as "middling" between what is found in the Russian Republic and what is obtaining in America. So, our socialistic pattern is not a pattern that obtains in Russia or in any totalitarian State, but a blend of what obtains in Russia and America.

Sentiments of people have got to be respected. The law should be so enacted that the powers given therein may not be abused. ^{5 p.m.} There is every possibility of abuse of the powers or provisions by those who administer the law. Therefore, checks have also to be provided. Therefore, I feel that the present Bill should not be passed.

* DR. A. SREENIVASAN : Sir, I oppose this Bill with all the vehemence at my command. It is really draconian in nature. The very Party in power which is introducing this Bill would have done all sorts of things and shaken the world and the country too to the very foundation if the Britisher had done it during his period. On occasions when he did small things and when this Party was in Opposition, it was shaking the foundation of the Government of the day. The hon. the Leader of the Opposition called this Bill 'totalitarian'. It is quite correct in the sense that the Party itself is not democratic in its basis and that it is totalitarian. Two people manage the whole affair of the Party and I am not surprised

[Dr. A. Sreenivasan] [22nd December 1956]

at the high-handed way in which the Bill has been introduced by the Party in power. It is probable that it has got a motive in this Bill. The basic principle on which the Congress Party fights the public is the establishment of a socialistic pattern of society. So far nobody has been able to give the proper definition of that much-abused phrase. But, to an ordinary person like me, it looks as though the idea is to level down people and not level them up, that is, the have-nots are in a majority, the haves are in a minority and, therefore, the idea is to level them down. (Interruption by Sri A. Gajapathy Nayagar). You get a decent pension; I don't.

SRI A. GAJAPATHY NAYAGAR : Pension has been earned for thirty years. You must understand that.

* **DR. A. SREENIVASAN :** The Bill is expropriatory in its outlook. The Government can straightaway say, 'For political and other reasons we deprive the people of their property.' The day is not far off, I suppose, when even our personal safety will be at stake if this Party goes on doing things at this rate. If anybody were to oppose it, he would be imprisoned.

The basic principle on which this Bill has been introduced is very questionable. Therefore, for hon. Members on this side of the House to talk about the merits of the Bill is a real waste of breath. The hon. the Leader of the Opposition took some objection to what I said yesterday, that is, to my calling this House a debating society. I think I am very much justified in saying that. I have no regret for what I submitted because whatever we may say, it will be like water on the duck's back and the Hon. the Leader of the House is not going to yield one inch or one centimeter of ground, however forcible, however logical, and however legal our views may be. This Bill is expropriatory in nature. Of course, the Law Department must have advised the Government to go ahead with the Bill. But the thing is, we will have some *tamasha* very soon after the Bill is passed because it is against the spirit of the Constitution. Nobody shall be deprived of his property without proper and sufficient compensation. Here there is no compensation to be paid. The Government may or may not pay compensation. A compensation of one pie for 100 acres of land is something like the contemptible damages. They may give contemptible damages of one pie for acquiring hundred acres of land. The Hon. the Leader of the House said, 'We are going to do it for certain purposes'. Why not state the purposes at the beginning of the Bill itself? Whatever he says on the floor of the House will not be binding on the Court. Unless he puts what he says in the Bill itself, there is absolutely no safety for a man with property. Of course, I think within our own lifetime we are going to see in the whole country a society without property. It will be something like no man's land and that will be the position of these unfortunate people of this country if the Party were to play in this fashion with the properties of people.

22nd December 1956]

[Dr. A. Sreenivasan]

Who knows this Bill may be a cover to acquire waste lands from partymen and pay disproportionate compensation?

With these words, I oppose this Bill.

* THE HON. SRI M. BHAKTAVATSALAM: Mr. Chairman, Sir, the Hon. the Leader of the Opposition entered a very emphatic protest against the provisions of this Bill and he was followed by two hon. Members. The hon. Member who spoke last was, as usual, very lavish in his inimitable comments. The Bill may be called totalitarian. But, still, I would like to submit that the purpose of the State is a public purpose. The State as such has no individual, personal interest. The Government have brought forward a measure like this with these provisions because of their interest to help the agriculturists to develop agriculture in order primarily that the standard of living of the large number of ryots who form the backbone of this country may be raised substantially. We are on a big programme of stepping up production which is low and the Government have been adopting various measures for this purpose. The Government have been carrying out a multi-purpose programme in order to develop agriculture. Sir, as I have pointed out, the main purpose of this legislation is that the Government should be enabled to implement their programme of agricultural development. I see that there has been some misunderstanding on the part of hon. Members regarding the exact agricultural purposes behind the provisions of this Bill. The Government do not propose to start farming for farming's sake. The hon. the Leader of the Opposition said that there was so much of fallow land in Salem and other places and that we could as well make experiments on it. Experiments like the one that could be carried out on fallow lands like those in Salem and other places could be made. But that is only one part of the programme of agricultural development. Carrying on experiment on a fallow land is one thing. But doing research regarding the state of various grains and seeds and with reference to the improved methods of agriculture is quite a different thing. It is for the latter purpose that Research Stations are maintained. I am very sorry that such a well-informed member as Sri K. Balasubramanya Ayyar should have such poor knowledge of the working of the Research Stations in this State. I had been thinking that he was as good an agriculturist and cultivator as he was a lawyer and legislator. I am surprised to see that he is not such a good cultivator. He is not a well-informed cultivator. I have been going round the districts. I have been meeting hundreds of cultivators, active actual cultivators. They have been giving me their own experiences of adoption of various improved methods of agriculture including the Japanese method to which the hon. Member referred. Ryots having 50, 70 and 100 acres have taken me to their farms. They have produced statistics which, to my surprise, I found, were so well prepared. They used to tell me definitely how they stood to benefit by adopting the Japanese method. In several places people have been taking to this method

[Sri M. Bhaktavatsalam] [22nd December 1956]

5-10
p.m.

and getting very good experience of this method. So, I ventured to point out my own reactions that the hon. Member was not such a good cultivator, when I heard his comment on the Japanese Method of cultivation. In the same way I would like to tell the hon. Member that these Research Stations are quite popular with the ryots. The Farmers' Days are celebrated like festivals. It is not merely that. They are celebrated more than once in a year. I have seen, I have enquired and I have satisfied myself that these agricultural stations are daily frequented by the ryots. They come and enquire about this strain and that strain and they narrate their experience after they try particular strains. A particular strain which has been found in some Research Station in Chingleput district is much in demand in Tirunelveli district. Whether it is paddy, whether it is oil-seed or whether it is sugar-cane, the new strains prepared as a result of research are found to be very popular and they are easily adopted by the ryots and they have been fairly successful also. The Research Stations are being conducted and managed so that they could show no loss. They could show some profit. Most of them show some profit. That is the present position. Otherwise, it cannot be a model farm although we should not mind the necessary expenditure in these matters. I am impressing on the Agriculture Department that they must make a distinction between a model farm where there should be no loss and which should enable the ryots to adopt the methods and a Research Station where they should not mind any expenditure because the results noticed in the latter would be of longstanding benefit and value to the whole agricultural community. So, I should at once like to dispel the notion that these Research Stations serve no purpose. The immediate object behind this measure is the need for organizing seed farms by the Government. Sir, for having improved methods and for developing agriculture with a view to increasing the yield, I mean agricultural yield, two or three things are essential, I should say primarily essential. One is facilities for securing manure, both organic and chemical. The second is to secure pure seeds. It is now very difficult for the ryots to get pure seeds. The Government are not able to cater to the needs of all the ryots. We have been trying with the unstinted co-operation of the ryots to make available in sufficient quantities pure seeds for the ryots. There are complaints that the seeds supplied are not always pure. Therefore, the State Government, with the concurrence of the Planning Commission who were quite enthusiastic about this matter, have formulated a new programme to organize in this State about 400 seed farms of 25 acres each. The Government themselves will conduct these farms. They will produce seeds, of course pure seeds, and cater to the needs of the ryots. It is not as if we have come forward with this measure before we have planned out the whole thing, and before we could find out where there were real difficulties. During the last one year, we have been trying, the Agriculture Department has been trying to secure some land for the purpose of organizing

22nd December 1956] [Sri M. Bhaktavatsalam]

these seed farms. I am glad to say that in more than 75 per cent of the cases, the ryots have been good enough to appreciate the usefulness of these farms and that they have come forward to co-operate with us. By negotiations we have been able to settle and secure the necessary land for the farms. The Government have agreed to pay a very liberal rent for the land that has been taken, viz., Rs. 300 per acre and in some cases even Rs. 500 per acre which would work out to 40 per cent. One could easily realise how we can assess the total income from such lands. Only in a few cases, there has been some unwillingness. The proposal is to have 4, 5 or 6 farms of 25 acres each in each district. In certain districts and areas, the department, in spite of its best efforts, has not been able to secure the necessary land. I myself used my own good offices, whatever they were worth, with particular ryots who owned 200, 300 or 500 acres just to give us 25 acres for the purpose of establishing the seed farms which, after all, would be useful to themselves, to their neighbours, and to the other ryots. It is not for doing any business that these lands are required by the Government. It is only for the purpose of helping the agriculturists in the villages. I used to plead with them explaining all these facts. They would listen to my advice. But after I left, they would tell the officers of the department, 'No, we cannot give you the land'. The poor officers were not able to find the land anywhere. We choose a particular good land, irrigated land and other kinds of lands in order to make our experiments and in order to try the different kinds of seeds in the different kinds of soil. In a very few cases, the Government have not been able to implement the programme. It is in this background that we have come forward with this measure. As I have already said, I could once again assure the House that this provision would be taken advantage of very sparingly and only when it is absolutely necessary.

Sir, one hon. Member pointed out that we should clearly define the purposes for which this acquisition could be made. It is not easy to define it in that way. It is not easy to make a comprehensive definition for the purposes we have on hand. Sometimes, if the definition is not comprehensive enough, if the definition does not cover very good purposes, very necessary purposes, very necessary agricultural purposes, there may be difficulty, and with all the legislation, we will not be able to do a particular act. Therefore, this has been put in a general way.

Regarding certain other things mentioned by the hon. Members, I think they could be looked into when we frame the rules. When we frame the rules, we will bear in mind the various criticisms that have been made on the floor of the House.

About the definition of the term 'competent authority', an hon. Member proposes to move an amendment to substitute the term 'Member of the Board of Revenue' in its stead. Sir, it is not practicable to get always the Member of the Board of Revenue to do this work. It would be a very small thing. After all, we

[Sri M. Bhaktavatsalam] [22nd December 1956]

require about 25 acres of land from people who own a large area. This we require for the seed farms. For some other agricultural purposes, we may require one or two acres. Again, there may be cases of a person owning 50 acres of land and we may require just 5 acres from him. So, it is not right to limit the holding to 100 acres as suggested by one of the hon. Members. If the purpose of the enactment is to be carried out, we must be able to secure the land that would be necessary for the specific purpose in view. It is only a small piece of land that we require. Hon. Members would not object, I think, if the District Collector could attend to that. Therefore, we need not create any difficulty with regard to the definition of the term "competent authority".

5 20
p.m.

Regarding "seed farms", I say there is urgency. If we miss one season, we have to wait for one year. If you are not able to sow the seeds in the correct month, then we will have to wait for one whole year. Therefore, there is urgency for this measure. We are bringing forward this Bill not with a view to hurrying up matters or harassing the ryot. Government are fully alive to the needs of the ryots and they would not unwittingly do anything which would cause harassment of the ryot. Therefore it is that this "15 days' notice" is there.

Regarding "compensation", the hon. Member who spoke last, has spoken from his own imagination. He has not gone through the provisions of the Bill, I believe. Compensation means fair compensation. Compensation would be determined on the basis of the market rate and the Constitution provides for that. According to this Bill, compensation would be calculated on the basis of the market value. Against an "award" there is provision for appeal to the High Court. There is provision for appeal against land acquisition. The motive for bringing in this Bill is this. For starting "seed farms" and "model farms" Government need lands. Government should not spend money from the public exchequer for acquiring those lands. Therefore, in the case of new areas, they want to take the lands on lease and under the present law there is no provision for compulsorily taking those lands on lease. When we take the land on lease, we pay the market rate for every land we buy. When such is the case, how can it be said that we harass the ryot? The ryot is not cultivating himself. There are cases of ryots depending upon the tenants for cultivation. The tenant cultivates the land. The Government would pay whatever they are bound to pay. There should, therefore, be no difficulty in Government buying the land. The Government would not default in their payments. Hence, I do not see any difficulty if the land is acquired by Government for purposes of establishing seed farms.

There was some comment about the 10 years' period that has been put in. Ten years' period is put in there, I admit. But it does not necessarily mean that all these ten years, these provisions would be necessary. They may or may not be necessary.

22nd December 1956] [Sri M. Bhaktavatsalam]

We have got experience in regard to the Rent Control Act. Every one or two years we have been renewing that measure. Under the Second Five-Year Plan, we have got a programme of stepping up food production. The Planning Commission pointed out to me the other day that as compared with the whole of India, the food production in our State was much higher than in other States. But when I got the figure from China, I found that their production was double what we produced in this State. Even to-day they want to increase it still further. Therefore, we will have to carry out these programmes to increase food production in future. Therefore it is that this "10 year" period has been put in.

The co-operative method plays no small part in improving agriculture. Most of the ryots have been co-operating with us. I do hope that the co-operative movement will spread in course of time to all our villages. One hon. Member took exception to the way in which we had referred to the findings of the All-India Rural Credit Survey Committee. He took objection to some of the provisions contained in the Bill. But, I would repeat that those provisions would be used very sparingly. When we frame rules, we will certainly take into account some of the comments that were made in this House and we shall try to make adequate provision for the same.

MR. CHAIRMAN : The question is—

"That the Madras Requisitioning and Acquisition of Immovable Property Bill, 1956 (L.A. Bill No. 35 of 1956), as passed by the Legislative Assembly, be taken into consideration."

The motion was put and carried and the Bill was taken into consideration.

Clause 2.

MR. CHAIRMAN : The motion is—

"That clause 2 do stand part of the Bill."

SRI K. BALASUBRAMANYA AYYAR : Sir, I move the following amendments :—

"In sub-clause (b), for the words 'any person or authority' substitute the words 'a Member of the Board of Revenue'.

"In sub-clause (d), after the word 'means' and before the words 'any person' insert the words 'the landowner or'."

Appeals are made to the Board of Revenue against the orders of District Collectors. Therefore, if a Member of the Board of Revenue is included, then there would not be any necessity for appealing to the Board. I think, therefore, that if my amendment is accepted, it would be better. At least in the rules this may be provided for.

The amendments were duly seconded.

[22nd December 1956]

* THE HON. SRI M. BHAKTAVATSALAM : There is provision for appeal against the orders of the competent authority to the Government. When there is an appeal to the Government, it is the Board of Revenue that goes into the case. Therefore, it is not necessary that the Board itself should be made a party to the passing of the orders. When an appeal is made to the Government and the matter is referred to the Board, the Board will have the opportunity of reviewing the case and making its comments in full.

The amendments were, by leave, withdrawn.

Clause 2 was put and carried.

Clause 3.

MR. CHAIRMAN : The motion is—

“ That clause 3 do stand part of the Bill.”

SRI K. BALASUBRAMANYA AYYAR : Sir, I move the following amendments :—

“ In sub-clause (1), for the word ‘ State ’ substitute the following words :—

‘ establishment of a research station or a seed farm or other improvement for agriculture, specified in the notification by Government.’

In sub-clause (1) (a), for the words ‘ within fifteen days ’ substitute the words ‘ within one month ’.

In sub-clause (2) (a)—

(i) *Omit* the word ‘ bona fide ’;

(ii) *add* the following words at the end :—

‘ or by his agent for his residence ’.

In the proviso to sub-clause (2) (b)—

(i) *omit* the words ‘ in its opinion ’;

(ii) *add* the following words at the end :—

‘ to the tenant ’.

It is better to specify the purpose. They may say it is for the ‘ establishment of a Research Station or a seed farm or other improvement for agriculture ’. The expression “ for any public purpose of the State ” is rather vague.

The amendments were duly seconded.

* THE HON. SRI M. BHAKTAVATSALAM : I am very much obliged for the appreciative manner in which the hon. Member has been moving these amendments. But I may tell him that I shall take his comments into account when we frame the rules. We shall provide for them suitably when we frame the rules.

22nd December 1956]

SRI K. BALASUBRAMANYA AYYAR : Sir, the provision is that the owner should show cause within fifteen days of the date of the service of such notice. This is too short a period. Supposing he is absent from station, what happens? In 15 days what can he do? It is too short a period for him to do anything. Of course, here we are looking into this Bill in one day. But outside, it will not be possible even to consider the thing and decide in 15 days. Therefore, I plead that the time may be increased to one month. 5-30 p.m.

* THE HON. SRI M. BHAKTAVATSALAM : Sir, the time given is 15 days from the date of service of the notice. I do not think that any landholder would be expected to be away for such a long time as 15 days. I would, therefore, still request the hon. Member not to press his amendment.

SRI K. BALASUBRAMANYA AYYAR : Sir, in sub-clause 2 (a), the expression 'bona fide' is unnecessary. I am afraid it is only a drafting mistake; there is no question of substance. When we say a 'residence', it is a residence and the owner resides therein. Then, how does the question of bona fide residence arise? When the officer concerned goes there, somebody will be occupying the place. It is not like bringing in a number of pupils to the schools at the time of inspection. Of course, this is only a drafting mistake.

* THE HON. SRI M. BHAKTAVATSALAM : It may be so, Sir. But 'bona fide' has its own special meaning. The person may own a number of houses and the officer has to decide whether a particular building is a bona fide residence or not. Therefore, the hon. Member need not object to the term 'bona fide'.

SRI K. BALASUBRAMANYA AYYAR : That may be so. But the owner's agent may be residing in that place. Many landholders have got bungalows with adjoining houses wherein their agents live. Or, in one of the buildings of the owner, his agent may be residing; the owner, whenever he comes for inspection of lands, etc., may stay there and even then it becomes his temporary residence. If that is taken away, that may be a hardship to the owner. Therefore it is I say that the words 'by his agent for his residence' may be added.

* THE HON. SRI M. BHAKTAVATSALAM : Sir, if this amendment is accepted, there will be so many ways of circumventing the provision of the Bill. (Sri K. Balasubramanya Ayyar : Your 'bona fide' is there 1) Therefore, the owner may put somebody, in the house and call him his agent. I am unable to accept the amendment, Sir.

SRI K. BALASUBRAMANYA AYYAR : Sir, in the proviso to sub-clause (2) (b), the words 'in its opinion' should be omitted. I feel very strongly about it. 'In its opinion' means, in the opinion of the competent authority and so, the tenants will have

[Sri K. Balasubramanya Ayyar] [22nd December 1956]

no option at all. That is not fair, Sir. When it is a question of alternative accommodation, in deciding whether it is suitable or not, the tenant should also be consulted.

THE HON. SRI M. BHAKTAVATSALAM : If the decision of the competent authority is not acceptable, there can be an appeal.

The amendments were, by leave, withdrawn.

Clause 3 was put and carried.

Clause 4.

MR. CHAIRMAN : The motion is—

“ That clause 4 do stand part of the Bill.”

SRI K. BALASUBRAMANYA AYYAR : Sir, I move the following amendment :—

“ For sub-clause (2), *substitute* the following :—

‘ (2) If any person refuses and fails to comply with an order made under sub-section (1), the competent authority may apply to the Magistrate having jurisdiction in that behalf complaining against the person refusing or failing to comply with the order made under sub-section (1) and the Magistrate shall, on satisfying himself that the person has refused or failed to comply with the order, pass an order giving possession of the property to the competent authority ’.”

SRI G. KRISHNAMOORTHY : I second the amendment, Sir.

SRI K. BALASUBRAMANYA AYYAR : Sir, this is a matter in which I am going to press and not withdraw the amendment. It is a very dangerous thing to say that the competent authority may use such force as is necessary. ‘ Such force as may be necessary ’ is a vague expression, especially where taking possession of property is concerned. In villages, such an action would lead to a riot. Use of force is not provided for in the Civil Procedure Code also. Even the decree-holders have to remove any obstruction only through an order of the Court. Therefore, it is not proper to make a provision like this here. Well, the competent authority may apply to the Magistrate having jurisdiction, complaining against the person who refuses and obtain orders of the Magistrate who could always pass orders. That would be quite reasonable and quite right. Even in respect of the Civil Procedure Code—I hope the ex-Judge would bear me out—where a person is to be arrested and if he is inside a room, one must take permission for going there; further, unless one sees the person inside and if the door is not opened, one cannot break it open. So, to such an extent the law has gone for the purpose of protecting the person to be arrested as a judgment-debtor. Therefore it is that I feel it will

22nd December 1956] [Sri K. Balasubramanya Ayyar]

be most reasonable and it will be consistent with democratic methods for the competent authority to apply to the Magistrate and obtain his orders. Therefore, I press this amendment, Sir.

* THE HON. SRI M. BHAKTAVATSALAM : Sir, this provision about taking possession by force is there to meet very rare and extreme contingencies. Therefore, I am sorry that I am unable to accept the amendment which would mean against delay.

MR. CHAIRMAN : The question is—

“ For sub-clause (2), substitute the following :—

‘ (2) If any person refuses and fails to comply with an order made under sub-section (1), the competent authority may apply to the Magistrate having jurisdiction in that behalf complaining against the person refusing or failing to comply with the order made under sub-section (1) and the Magistrate shall, on satisfying himself that the person has refused or failed to comply with the order, pass an order giving possession of the property to the competent authority.’ ”

The amendment was put and lost.

Clause 4 was put and carried.

Clause 5.

MR. CHAIRMAN : The motion is—

“ That clause 5 do stand part of the Bill.”

SRI K. BALASUBRAMANYA AYYAR : Sir, we are now dealing with the premises that may be requisitioned under section 3. I move the following amendment :—

“ In sub-clause (2)—

(i) omit the words ‘ may be necessary and ’;

(ii) after the words ‘ competent authority may ’ and before the word ‘ cause ’, insert the following words :—

‘ If it is satisfied that the landlord has deliberately failed to execute the repairs.’ ”

SRI G. KRISHNAMOORTHY : Sir, I second the amendment.

SRI K. BALASUBRAMANYA AYYAR : I am afraid, Sir, that there is a drafting mistake here also. If it is repair usually made by the landlord, we need not say ‘ as may be necessary ’; if it is something more, then that will be written by the competent authority. Therefore, these two things do not go well with each other. It is rather awkward. There is a drafting mistake. ‘ Usually made by the landlord ’ would do.

[22nd December 1956]

5-40 P.M. THE HON. SRI M. BHAKTAVATSALAM : We shall place the rules on the table of this House also.

The amendment was, by leave, withdrawn.

Clause 5 was put and carried.

Clause 6.

MR. CHAIRMAN : The motion is—

“ That clause 6 do stand part of the Bill.”

SRI K. BALASUBRAMANYA AYYAR : Sir, I move the following amendments :—

“ In sub-clause (3), *after* the words ‘ in respect of the property ’ and *before* the word ‘ but ’ insert the words ‘ except the liability to pay any arrear of rent ’.

In sub-clause (6), *add* the following at the end :—

‘ and the Government shall restore the land together with the property remaining, if any, to the owner.’ ”

Sir, sub-clause (3) of this clause says that the delivery of possession of the property to the person specified in an order under sub-clause (2) shall be a full discharge of the Government from all liability in respect of the property. Suppose the rent is in arrears. If all liability is discharged, will it be proper in such a case? Arrears of rent should be paid by the Government. The Government themselves may also be in arrears. “ Full discharge ” means that arrears of rent are completely wiped out. That is a mistake. Therefore, I say that all liability except the liability to pay any arrear of rent will be discharged.

Under sub-clause (6), the requisition shall, at the option of the Government, be void. In such a case, they should restore the land together with the property remaining, if any, to the owner. The land at least should not be taken away and it must be given back to the owner with sufficient compensation. It should be made clear, if not in this Bill, at least in the rules.

The amendments were duly seconded.

* THE HON. SRI M. BHAKTAVATSALAM : Sir, about the arrears of rent, there should be no fear that the Government will take advantage of any provision of this law to deny the owner any arrears of rent. Arrears of rent will certainly be paid. If the requisition is to become void, then the land automatically goes to the owner. Anyhow, I shall look into it.

The amendments were, by leave, withdrawn.

Clause 6 was put and carried.

Clause 7 was put and carried.

22nd December 1956]

Clause 8.

MR. CHAIRMAN : The motion is—

“ That clause 8 do stand part of the Bill.”

SRI K. BALASUBRAMANYA AYYAR : Sir, I move the following amendments :—

“ In sub-clause (2) (a), for the word ‘ recurring ’ substitute the word ‘ monthly ’.

In sub-clause (2) (b), after item (iv), add the following as item (v) :—

‘ (v) Any loss due to the reasonable prospective use or gain to which the person interested may have put the property.’ ”

Sir, sub-clause (2) says that the amount of compensation payable for the requisitioning of any property shall include a ‘ recurring payment, in respect of the period of requisition, of a sum equal to the rent which would have been payable for the use and occupation of the property, if it had been taken on lease for that period.’ This recurring payment must be a monthly payment. Suppose two acres of land of a landholder are taken away and they do not pay the monthly rent. Mere recurring payment includes a monthly payment also, I agree. But it may also mean payment of rent for two or three months put together. That is why I say that it should be a monthly payment.

Then, some grain or fruits may be raised on the land requisitioned. If the land is taken away from its owner, he will not get such grain or fruits. Therefore, I have moved the second amendment.

The amendments were duly seconded.

* THE HON. SRI M. BHAKTAVATSALAM : Sir, so far as the rent is concerned, this is with reference to land. If it is with reference to a house, I can understand the need for the amendment moved. Therefore, it is not right to pay monthly rent. Further, recurring payment includes monthly payment also. It may be half-yearly, monthly or seasonal.

As regards the second amendment, I give this assurance to the hon. Member that if any person holds only 5, 10 or 20 acres, the Government will never have recourse to this measure in order to take away all the lands that he possesses.

The amendments were, by leave, withdrawn.

Clause 8 was put and carried.

Clauses 9 to 19 were put and carried.

[22nd December 1956]

Clause 20.

MR. CHAIRMAN : The amendment given notice of by the hon. Member Sri K. Balasubramanya Ayyar to omit this clause is a negative one. Therefore, it is not in order.

Clause 20 was put and carried.

Clauses 21 to 24 were put and carried.

New clause after clause 24.

SRI K. BALASUBRAMANYA AYYAR : Sir, I move the following amendment :—

“ Add the following after clause 24 as new clause 25 :—

‘ 25. Nothing in this Act shall apply to owners of agricultural land of less than 100 acres.’ ”

Sir, I have moved this amendment in the light of the assurance given by the Hon. Minister.

The amendment was duly seconded.

* THE HON. SRI M. BHAKTAVATSALAM : Sir, I shall explain the difficulty in accepting this amendment. Normally, we will have recourse to this measure only in cases of people who own a large holding. If the limit is put at 100 acres, there will be a little difficulty. There may be a ryot who owns five acres. He has been leasing it and he may be prepared to give up the land if the Government offer to pay him some rent. There may be some big landowners. They may be cantankerous. They may refuse to part with even five acres. In such cases, this measure will be resorted to. Therefore, I would request the hon. Member not to press his amendment.

The amendment was, by leave, withdrawn.

Clause 1.

MR. CHAIRMAN : The motion is—

“ That clause 1 do stand part of the Bill.”

SRI K. BALASUBRAMANYA AYYAR : Sir, I move the following amendments :—

“ In sub-clause (2) for the words ‘ ten years ’ substitute the words ‘ two years ’.

After sub-clause (2), add the following as sub-clause (3) :—

‘ (3) The Act shall come into force on a date to be notified by the Government.’ ”

With regard to the first amendment, which seeks to substitute the words “ two years ” for the words “ ten years ”, I am not pressing the same since the Hon. Minister has explained the position.

22nd December 1956] [Sri K. Balasubramanya Ayyar]

With regard to the second amendment, I want to state that in all Bills Government do say that the enactment will come into force from such and such a date to be notified by the Government. The same may be done in this case also unless it be that the Government want to bring this into force immediately. (The Hon. Sri M. Bhaktavatsalam : Yes, immediately.) Then I do not press it, Sir.

The amendments were duly seconded but they were, by leave, withdrawn later.

Clause 1 was put and carried.

The Preamble was put and carried.

* THE HON. SRI M. BHAKTAVATSALAM : Sir, I move—

“That the Madras Requisitioning and Acquisition of Immovable Property Bill, 1956 (L.A. Bill No. 35 of 1956), as passed by the Legislative Assembly, be passed.”

MR. CHAIRMAN : Motion moved—

“That the Madras Requisitioning and Acquisition of Immovable Property Bill, 1956 (L.A. Bill No. 35 of 1956), as passed by the Legislative Assembly, be passed.”

DR. A. LAKSHMANASWAMI MUDALIYAR : Sir, the opposition has not been as vociferous as it might have been. It is largely because the Hon. the Leader of the House has accepted the possibility under the rule-making power at least to implement several suggestions that have been made, in particular, the suggestion with regard to the definition of what is the objective of this Bill and various other matters. I am glad that he has given us this assurance and as it has been stated in the Bill itself that the rules will be placed before both the Houses of the Legislature, although this House has no say evidently on the rules, it may be an opportunity for us to see how far the Act is in conformity with the objective of the Hon. the Leader of the House as put forward. From that point of view, I must thank him.

* THE HON. SRI M. BHAKTAVATSALAM : Sir, I am indeed obliged to the hon. the Leader of the Opposition for this support that he has given although initially he so vehemently objected to the several provisions of this Bill. I assure him and other Members of the House that we shall go into some of these comments when framing the rules which will be presented to this House as soon as they are framed.

MR. CHAIRMAN : The question is—

“That the Madras Requisitioning and Acquisition of Immovable Property Bill, 1956 (L.A. Bill No. 35 of 1956), as passed by the Legislative Assembly, be passed.”

The motion was put and carried and the Bill was passed.

[22nd December 1956]

MR. CHAIRMAN : The House will now adjourn and meet again at 3 p.m. on Monday, the 24th December 1956.

The House then adjourned.

VI.—PAPERS LAID ON THE TABLE OF THE HOUSE.

1. Notification issued with G.O. Ms. No. 4874, Industries, Labour and Co-operation, dated 16th November 1956, amending Rules X-A and XXV-A (2) of the Madras Co-operative Societies Act, 1932, regarding elections to the societies or their committees and procedure therefor. [Laid on the table of the House under section 65 (5) of the Madras Co-operative Societies Act, 1932 (Madras Act VI of 1932.)]

2. Notification issued with G.O. Ms. No. 2454, Revenue, dated the 18th June 1956, regarding amendment to Revenue Department Notification No. 819, dated 12th September 1939, regarding powers of Assessing authority.